

HOUSE _____ AMENDMENT NO. ____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 455.003, Page 67, Line 16 by inserting immediately after said Line the following:

"479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. In the event the case is dismissed before the defendant pleads guilty or is found guilty, the municipal judge may assess municipal court costs as determined by section 488.012, RSMo, against the defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be unable to pay the costs. The fees authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The fees provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 1 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo; provided that, each municipal court may establish a judicial education

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1 fund in an account under the control of the municipal court to retain one dollar of the fees
2 collected on each case and to use the fund only to pay for:

3 (1) The continuing education and certification required of the municipal judges by law or
4 supreme court rule; and

5 (2) Judicial education and training for the court administrator and clerks of the municipal
6 court.

7
8 Provided further, that no municipal court shall retain more than one thousand five hundred dollars
9 in the fund for each judge, administrator or clerk of the municipal court. Any excess funds shall
10 be transmitted quarterly to the general revenue fund of the county or municipal treasury.

11 2. In municipal ordinance violation cases which are filed in the associate circuit division
12 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
13 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
14 shall assess costs against the defendant except in those cases where the defendant is found by the
15 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
16 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in this
17 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
18 authorized to be assessed, but are in lieu of other court costs. The costs provided by this
19 subsection shall be collected by the municipal division clerk in municipalities electing or required
20 to have violations of municipal ordinances tried before a municipal judge pursuant to section
21 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided
22 in subsection 2 of section 479.080. Any other court costs required in connection with such cases
23 shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

24 3. A municipality, when filing cases before an associate circuit judge, shall not be
25 required to pay fees.

26 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a municipal
27 ordinance violation case.

28 5. In municipal ordinance violation cases, when there is an application for a trial de novo,
29 there shall be an additional fee in an amount to be set pursuant to sections 488.010 to 488.020,

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1 RSMo, which shall be assessed in the same manner as provided in subsection 2 of this section.

2 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
3 connection with pleas of guilty which are processed in a traffic violations bureau. If a
4 municipality files its municipal ordinance violation cases before a municipal judge, such costs
5 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
6 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
7 costs shall not exceed the court costs authorized by subsection 2 of this section."; and

8
9 Further amend said Substitute, Section 488.5025, Page 68, Line 18 by inserting immediately after
10 said Line the following:

11 "488.5032. In the event a criminal case is dismissed in a circuit court in this state before
12 the defendant pleads guilty or is found guilty, the circuit judge may assess costs as determined by
13 section 488.012, RSMo, against any defendant if the defendant consents to paying the costs except
14 in those cases where the defendant is found by the judge to be indigent and unable to pay the
15 costs."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.
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